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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C-06-2454 MMC

STORUS CORPORATION,

Plaintiff,

v.

AROA MARKETING, INC., et al.,

Defendants

**ORDER GRANTING DEFENDANTS'
MOTION FOR LEAVE TO FILE MOTION
FOR RECONSIDERATION; SETTING
BRIEFING SCHEDULE**

Before the Court is defendants' motion, filed February 6, 2008, for leave to file a motion for reconsideration of the Court's January 31, 2008 Order Granting in Part and Denying in Part Defendants' Motion For Summary Adjudication.

In the Court's January 31, 2008 order, the Court found, inter alia, that defendants were not entitled to summary adjudication as to the issue of whether accused products TM 287 Gold and TM 288 Nickel infringe the claims in U.S. Patent 6,082,422 ("422 Patent"). In their motion for leave, defendants argue the Court failed to consider whether defendants were entitled to a more limited form of relief with respect to said accused products, specifically, whether defendants were entitled to a finding that TM 287 Gold and TM 288 Nickel, as depicted in photographs attached to the Declaration of Alexander Elnkaveh, do not infringe the claims in the '422 Patent.

In their motion for summary adjudication, defendants, asserting that plaintiff had

1 identified the accused products by model number, sought summary adjudication by
2 reference to specified model numbers. In opposition to the motion, plaintiff offered
3 evidence to support a finding that defendants marketed more than one version of a money
4 clip under each of two model numbers, TM 287 Gold and TM 288 Nickel. In their reply,
5 defendants sought to narrow the scope of their motion to the versions of TM 287 Gold and
6 TM 288 Nickel depicted in Exhibit B to the Elnekaveh Declaration. Plaintiff, however, did
7 not have the opportunity to respond. Because defendants now raise the issue in a manner
8 that allows plaintiff an opportunity to respond, and the relief requested may serve to clarify
9 and narrow the issues remaining for trial, the Court hereby GRANTS the motion for leave to
10 file a motion for reconsideration,¹ and hereby sets the following briefing schedule:

11 1. No later than February 20, 2008, plaintiff shall file its response, not to exceed five
12 pages in length, exclusive of exhibits.

13 2. No later than noon, February 25, 2008, defendant shall file its reply, if any, not to
14 exceed three pages in length, exclusive of exhibits.

15 3. Unless the parties are otherwise informed, the Court will take the motion for
16 reconsideration under submission on February 25, 2008.

17 **IT IS SO ORDERED.**

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19 Dated: February 12, 2008

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MAXINE M. CHESNEY
United States District Judge

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¹The Court deems the “proposed” motion for reconsideration filed February 6, 2008,
(see Docket # 191), to be filed as of today’s date.